

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHELLE ROSADO,

Plaintiff,

-against-

LEE COUNTY STATE ATTORNEY, et al.,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/16/2020

7:17-CV-360 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge

Plaintiff Michelle Rosado (“Plaintiff” or “Rosado”) commenced this action in January 2017 asserting multiple 42 USC §1983 claims against various governmental officials. (ECF No. 2.) By Opinion and Order (the “Order”), dated March 27, 2019, the Court dismissed all of Plaintiff’s claims except those claims asserted under the Fourth Amendment for false imprisonment. (ECF No. 100.) In the Order, the Court directed the remaining defendants to file an answer, and directed the parties to confer and submit a case management plan. *Id.* By letter dated October 1, 2020, counsel for defendant Robert Foley informs the Court that Plaintiff has failed to timely comply with discovery requests. (ECF No. 123.) Specifically, Plaintiff has failed to provide Rule 26(a)(1) initial disclosures and respond to interrogatories and document requests. *Id.* Despite repeated requests from counsel, Plaintiff has failed provide the requested discovery for more than one year. Accordingly, Plaintiff is directed to provide all outstanding discovery by November 6, 2020 and is warned that failure to do so may result in either preclusion of evidence or dismissal of her remaining claims.

The Court has also reviewed letters from counsel for defendant Robert Foley requesting a pre-motion discovery conference (ECF No. 112) and an extension of time to complete discovery (ECF No. 114). In light of the fact that the deadlines in the original case management plan (ECF No. 109-1) have passed, the Court further directs the parties to confer and jointly submit an updated case management plan (blank form attached hereto) to the Court by October 30, 2020.

The Clerk of the Court is respectfully directed to terminate the motions at ECF No. 112, 114, and 123, to serve a copy of this Order upon the Plaintiff at her last known residence and to show proof on the docket.

Dated: October 16, 2020  
White Plains, New York

SO ORDERED:

A handwritten signature in dark ink, appearing to read "Nelson S. Román", is written over a horizontal line.

NELSON S. ROMÁN  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Rev. Jan. 2012

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**CIVIL CASE DISCOVERY PLAN  
AND SCHEDULING ORDER**

Plaintiff(s),

- against -

Defendant(s).

\_\_\_\_\_ CV \_\_\_\_\_ (NSR)

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This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties [consent] [do not consent] to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences. (If all parties consent, the remaining paragraphs of this form need not be completed.)
2. This case [is] [is not] to be tried to a jury.
3. Joinder of additional parties must be accomplished by \_\_\_\_\_.
4. Amended pleadings may be filed until \_\_\_\_\_.
5. Interrogatories shall be served no later than \_\_\_\_\_, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 [shall] [shall not] apply to this case.
6. First request for production of documents, if any, shall be served no later than \_\_\_\_\_.
7. Non-expert depositions shall be completed by \_\_\_\_\_.
  - a. Unless counsel agree otherwise or the Court so orders, depositions shall not be held until all parties have responded to any first requests for production of documents.
  - b. Depositions shall proceed concurrently.
  - c. Whenever possible, unless counsel agree otherwise or the Court so orders, non-party depositions shall follow party depositions.

8. Any further interrogatories, including expert interrogatories, shall be served no later than \_\_\_\_\_.
9. Requests to Admit, if any, shall be served no later than \_\_\_\_\_.
10. Expert reports shall be served no later than \_\_\_\_\_.
11. Rebuttal expert reports shall be served no later than \_\_\_\_\_.
12. Expert depositions shall be completed by \_\_\_\_\_.
13. Additional provisions agreed upon by counsel are attached hereto and made a part hereof.
14. **ALL DISCOVERY SHALL BE COMPLETED BY** \_\_\_\_\_.
15. Any motions shall be filed in accordance with the Court's Individual Practices.
16. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
17. The Magistrate Judge assigned to this case is the Hon. \_\_\_\_\_.
18. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
19. The next case management conference is scheduled for \_\_\_\_\_, at \_\_\_\_\_. (The Court will set this date at the initial conference.)

SO ORDERED.

Dated: White Plains, New York

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Nelson S. Román, U.S. District Judge